

# Calendar No. 202

113TH CONGRESS  
1ST SESSION

# S. 1545

[Report No. 113–112]

To extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2013

Mr. MENENDEZ (for himself and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

OCTOBER 2, 2013

Reported by Mr. MENENDEZ, with amendments

[Omit the part struck through and insert the part printed in italic]

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# A BILL

To extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “PEPFAR Stewardship  
5       and Oversight Act of 2013”.

1   **SEC. 2. INSPECTOR GENERAL OVERSIGHT.**

2       Section 101(f)(1) of the United States Leadership  
3   Against HIV/AIDS, Tuberculosis, and Malaria Act of  
4   2003 (22 U.S.C. 7611(f)(1)) is amended—

5               (1) in subparagraph (A), by striking “5 coordi-  
6   nated annual plans for oversight activity in each of  
7   the fiscal years 2009 through 2013” and inserting  
8   “coordinated annual plans for oversight activity in  
9   each of the fiscal years 2009 through 2018”; and

10              (2) in subparagraph (C)—

11               (A) in clause (ii)—

12                   (i) in the heading, by striking “SUB-  
13   SEQUENT” and inserting “2010 THROUGH  
14   2013”; and

15                   (ii) by striking “the last four plans”  
16   and inserting “the plans for fiscal years  
17   2010 through 2013”; and

18               (B) by adding at the end the following new  
19   clause:

20                   “(iii) 2014 PLAN.—The plan devel-  
21   oped under subparagraph (A) for fiscal  
22   year 2014 shall be completed not later  
23   than 60 days after the date of the enact-  
24   ment of the PEPFAR Stewardship and  
25   Oversight Act of 2013.

1                         “(iv) SUBSEQUENT PLANS.—Each of  
2                         the last four plans developed under sub-  
3                         paragraph (A) shall be completed not later  
4                         than 30 days before each of the fiscal  
5                         years 2015 through 2018, respectively.”.

6 **SEC. 3. ANNUAL TREATMENT STUDY.**

7                         (a) ANNUAL STUDY; MESSAGE.—Section 101(g) of  
8                         the United States Leadership Against HIV/AIDS, Tuber-  
9                         culosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is  
10                         amended—

11                         (1) in paragraph (1), by striking “through Sep-  
12                         tember 30, 2013” and inserting “through September  
13                         30, 2019”;

14                         (2) by redesignating paragraph (2) as para-  
15                         graph (3);

16                         (3) by inserting after paragraph (1) the fol-  
17                         lowing new paragraph:

18                         “(2) 2013 THROUGH 2018 STUDIES.—The stud-  
19                         ies required to be submitted by September 30, 2014,  
20                         and annually thereafter through September 30,  
21                         2018, shall include, in addition to the elements set  
22                         forth under paragraph (1), the following elements:

23                         “(A) A plan for conducting cost studies of  
24                         United States assistance under section 104A of  
25                         the Foreign Assistance Act of 1961 (22 U.S.C.

1           2151b-2) in partner countries, taking into ac-  
2           count the goal for more systematic collection of  
3           data, as well as the demands of such analysis  
4           on available human and fiscal resources.

5           “(B) A comprehensive and harmonized ex-  
6           penditure analysis by partner country, includ-  
7           ing—

8                 “(i) an analysis of Global Fund and  
9                 national partner spending and comparable  
10                data across United States, Global Fund,  
11                and national partner spending; or

12                 “(ii) where providing such comparable  
13                data is not currently practicable, an expla-  
14                nation of why it is not currently prac-  
15                ticable, and when it will be practicable.”;

16                and

17               (4) by adding at the end the following new  
18               paragraph:

19                 “(4) PARTNER COUNTRY DEFINED.—In this  
20               subsection, the term ‘partner country’ means a coun-  
21               try with a minimum United States Government in-  
22               vestment of HIV/AIDS assistance of at least  
23               \$5,000,000 *annually in the prior fiscal year.*”.

1   **SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT**

2                   **AIDS, TUBERCULOSIS, AND MALARIA.**

3       (a) **LIMITATION.**—Section 202(d)(4) of the United  
4 States Leadership Against HIV/AIDS, Tuberculosis, and  
5 Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

6                   (1) in subparagraph (A)—

7                      (A) in clause (i), by striking “2013” and  
8                      inserting “2018”;

9                      (B) in clause (ii)—

10                     (i) by striking “2013” and inserting  
11                     “2018”; and

12                     (ii) by striking the last two sentences;

13                     and

14                     (C) in clause (vi), by striking “2013” and  
15                     inserting “2018”; and

16                   (2) in subparagraph (B)—

17                      (A) by striking “under this subsection”  
18                      each place it appears;

19                      (B) in clause (ii), by striking “pursuant to  
20                      the authorization of appropriations under sec-  
21                      tion 401” and inserting “to carry out section  
22                      104A of the Foreign Assistance Act of 1961”;

23                     and

24                      (C) in clause (iv), by striking “2013” and  
25                      inserting “2018”.

1                   (b) WITHHOLDING FUNDS.—Section 202(d)(5) of the  
2 United States Leadership Against HIV/AIDS, Tuber-  
3 culosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is  
4 amended by—

5                   (1) in paragraph (5)—

6                         (A) by striking “2013” and inserting  
7                         “2018”;

8                         (B) in subparagraph (C)—

9                             (i) by inserting “in an open, machine  
10                             readable format” after “site”;

11                             (ii) by amending clause (v) to read as  
12 follows:

13                             “(v) a regular collection, analysis, and  
14                             reporting of performance data and funding  
15                             of grants of the Global Fund, which covers  
16                             all principal recipients and all subrecipi-  
17                             ents on the fiscal cycle of each grant, and  
18                             includes the distribution of resources, by  
19                             grant and principal recipient and sub-  
20                             recipient, for prevention, care, treatment,  
21                             drugs, and commodities purchase, and  
22                             other purposes as practicable;”;

23                         (C) in subparagraph (D)(ii), by inserting  
24                         “, in an open, machine readable format,” after  
25                         “audits”;

4 (E) in subparagraph (F)—

9                                 “(ii) all principal recipients and sub-  
10                                 recipients and the amount of funds dis-  
11                                 bursed to each principal recipient and sub-  
12                                 recipient on the fiscal cycle of the grant;

### 13                   “(iii) expenditure data—

14                             “(I) tracked by principal recipi-  
15                             ents and subrecipients ~~by prevention,~~  
16                             ~~care, and treatment as practicable by~~  
17                             ~~program area, where practicable, pre-~~  
18                             ~~vention, care, and treatment and re-~~  
19                             ported in a format that allows com-  
20                             parison with other funding streams in  
21                             each country; or

7 (F) by amending subparagraph (G) to read

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9                 “(G) has published an annual report on a  
10                 publicly available Web site in an open, machine  
11                 readable format, that includes—

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and internal taxes;

(iv) Recovered import duties or inter-

“(v) the status of country status-agreements;”.

1   **SEC. 5. ANNUAL REPORT.**

2       Section 104A(f) of the Foreign Assistance Act of  
3     1961 (22 U.S.C. 2151b-2(f)) is amended to read as fol-  
4     lows:

5       “(f) ANNUAL REPORT.—

6           “(1) IN GENERAL.—Not later than February  
7     15, 2014, and annually thereafter, the President  
8     shall submit to the Committee on Foreign Relations  
9     of the Senate and the Committee on Foreign Affairs  
10    of the House of Representatives a report in an open,  
11    machine readable format, on the implementation of  
12    this section for the prior fiscal year.

13          “(2) REPORT DUE IN 2014.—*The report due not*  
14    *later than February 15, 2014, shall include the ele-*  
15    *ments required by law prior to the enactment of the*  
16    *PEPFAR Stewardship and Oversight Act of 2013.*

17          “(2)(3) REPORT ELEMENTS.—Each report sub-  
18    mitted after February 15, 2014, shall include the  
19    following:

20            “(A) A description based on internationally  
21    available data, and where practicable high-qual-  
22    ity country-based data, of the total global bur-  
23    den and need for HIV/AIDS prevention, treat-  
24    ment, and care, including—

25              “(i) estimates by partner country of  
26    the global burden and need; and

1                     “(ii) HIV incidence, prevalence, and  
2 AIDS deaths for the reporting period.

3                     “(B) Reporting on annual targets across  
4 prevention, treatment, and care interventions in  
5 partner countries, including—

6                     “(i) a description of how those targets  
7 are designed to—

8                         “(I) ensure that the annual in-  
9 crease in new patients on  
10 antiretroviral treatment exceeds the  
11 number of annual new HIV infections;

12                         “(II) reduce the number of new  
13 HIV infections below the number of  
14 deaths among persons infected with  
15 HIV; and

16                         “(III) achieve an AIDS-free gen-  
17 eration;

18                     “(ii) national targets across preven-  
19 tion, treatment, and care that are—

20                         “(I) established by partner coun-  
21 tries; or

22                         “(II) where such national partner  
23 country-developed targets are unavail-  
24 able, a description of progress towards

1                   developing national partner country  
2                   targets; and

3                   “(iii) bilateral programmatic targets  
4                   across prevention, treatment, and care, in-  
5                   cluding—

6                   “(I) the number of adults and  
7                   children to be directly supported on  
8                   HIV treatment under United States-  
9                   funded programs;

10                  “(II) the number of adults and  
11                  children to be otherwise supported on  
12                  HIV treatment under United States-  
13                  funded programs; and

14                  “(III) other programmatic tar-  
15                  gets for activities directly and other-  
16                  wise supported by United States-fund-  
17                  ed programs.

18                  “(C) A description, by *partner* country, of  
19                  HIV/AIDS funding from all sources, including  
20                  funding levels from partner countries, other do-  
21                  nors, and the private sector, as practicable.

22                  “(D) A description of how United States-  
23                  funded programs, in conjunction with the Glob-  
24                  al Fund, other donors, and partner countries,

1           together set targets, measure progress, and  
2           achieve positive outcomes in partner countries.

3           “(E) An annual assessment of outcome in-  
4           dicator development, dissemination, and per-  
5           formance for programs supported under this  
6           section, including ongoing corrective actions to  
7           improve reporting.

8           “(F) A description and explanation of  
9           changes in related guidance or policies related  
10          to implementation of programs supported under  
11          this section.

12          “(G) An assessment and quantification of  
13          progress over the reporting period toward  
14          achieving the targets set forth in subparagraph  
15          (B), including—

16            “(i) the number, by *partner* country,  
17            of persons on HIV treatment, including  
18            specifically—

19              “(I) the number of adults and  
20              children on HIV treatment directly  
21              supported by United States-funded  
22              programs; and

23              “(II) the number of adults and  
24              children on HIV treatment otherwise

1                   supported by United States-funded  
2                   programs;

3                   “(ii) HIV treatment coverage rates by  
4                   *partner* country;

5                   “(iii) the net increase in persons on  
6                   HIV treatment by *partner* country;

7                   “(iv) new infections of HIV by *part-*  
8                   *ner* country;

9                   “(v) the number of HIV infections  
10                  averted;

11                  “(vi) antiretroviral treatment program  
12                  retention rates by *partner* country, includ-  
13                  ing—

14                  “(I) performance against annual  
15                  targets for program retention; and

16                  “(II) the retention rate of per-  
17                  sons on HIV treatment directly sup-  
18                  ported by United States-funded pro-  
19                  grams; and

20                  “(vii) a description of supportive care,  
21                  including management of co-morbidities.

22                  “(H) A description of ~~national~~ *partner*  
23                  *country* and United States-funded HIV/AIDS  
24                  prevention programs and policies, including—

1                     “(i) an assessment by country of  
2                     progress towards targets set forth in sub-  
3                     paragraph (B), with a detailed description  
4                     of the metrics used to assess—

5                     “(I) programs to prevent mother  
6                     to child transmission of HIV/AIDS,  
7                     including coverage rates;

8                     “(II) programs to provide or pro-  
9                     mote voluntary medical male circumci-  
10                     sion, including coverage rates;

11                     “(III) programs for behavior-  
12                     change; and

13                     “(IV) other programmatic activi-  
14                     ties to prevent the transmission of  
15                     HIV;

16                     “(ii) antiretroviral treatment as pre-  
17                     vention; and

18                     “(iii) a description of any new pre-  
19                     ventative interventions or methodologies.

20                     “(I) A description of the goals, scope, and  
21                     measurement of program efforts aimed at  
22                     women and girls.

23                     “(J) A description of the goals, scope, and  
24                     measurement of program efforts aimed at or-  
25                     phans, vulnerable children, and youth.

1               “(K) A description of the indicators and  
2               milestones used to assess effective, strategic,  
3               and appropriately timed country ownership, in-  
4               cluding—

5               “(i) an explanation of the metrics  
6               used to determine whether the pace of any  
7               transition to such ownership is appropriate  
8               for that country, given that country’s level  
9               of readiness for such transition;

10              “(ii) an analysis of governmental and  
11              local nongovernmental capacity to sustain  
12              positive outcomes;

13              “(iii) a description of measures taken  
14              to improve partner country capacity to sus-  
15              tain positive outcomes where needed; and

16              “(iv) for countries undergoing a tran-  
17              sition to greater country ownership, a de-  
18              scription of strategies to assess and miti-  
19              gate programmatic and financial risk and  
20              to ensure continued quality of care for es-  
21              sential services.

22              “(L) A description, globally and by *partner*  
23              country, of specific efforts to achieve and  
24              incentivize greater programmatic and cost effec-  
25              tiveness, including—

1                 “(i) progress toward establishing com-  
2                 mon economic metrics across prevention,  
3                 care and treatment with partner counties  
4                 and the Global Fund;

5                 “(ii) average costs, by country and by  
6                 core intervention;

7                 “(iii) expenditure reporting in all pro-  
8                 gram areas, supplemented with targeted  
9                 analyses of the cost-effectiveness of specific  
10                 interventions; and

11                 “(iv) import duties and internal taxes  
12                 imposed on program commodities and serv-  
13                 ices, by country.

14                 “(M) A description of partnership frame-  
15                 work agreements with countries, and regions  
16                 where applicable, including—

17                 “(i) the objectives and structure of  
18                 partnership framework agreements with  
19                 countries, including—

20                 “(I) how these agreements are  
21                 aligned with national HIV/AIDS plans  
22                 and public health strategies and com-  
23                 mitments of such countries; and

24                 “(II) how these agreements in-  
25                 corporate a role for civil society; and

1                     “(ii) a description of what has been  
2                     learned in advancing partnership frame-  
3                     work agreements with countries, and re-  
4                     gions as applicable, in terms of improved  
5                     coordination and collaboration, definition  
6                     of clear roles and responsibilities of partici-  
7                     pants and signers, and implications for  
8                     how to further strengthen these agree-  
9                     ments with mutually accountable measures  
10                    of progress.

11                    “(N) A description of efforts and activities  
12                    to engage new partners, including faith-based,  
13                    ~~community-based~~ *locally-based*, and United  
14                    States minority-serving institutions.

15                    “(O) A definition and description of the  
16                    differentiation between directly and otherwise  
17                    supported activities, including specific efforts to  
18                    clarify programmatic attribution and contribu-  
19                    tion, as well as timelines for dissemination and  
20                    implementation.

21                    “(P) *A description, globally and by country,*  
22                    *of specific efforts to address co-infections and co-*  
23                    *morbidities of HIV/AIDS, including—*

1                 ““(i) the number and percent of people  
2                 in HIV care or treatment who started tuber-  
3                 culosis treatment; and

4                 ““(ii) the number and percentage of  
5                 eligible HIV positive patients starting iso-  
6                 niazid preventative therapy.

7                 “(Q) A description of efforts by partner  
8                 countries to train, employ, and retain health  
9                 care workers, including efforts to address work-  
10                 force shortages.

11                 “(3)(4) PARTNER COUNTRY DEFINED.—In this  
12                 subsection, the term ‘partner country’ means a coun-  
13                 try with a minimum United States Government in-  
14                 vestment of HIV/AIDS assistance of at least  
15                 \$5,000,000 annually in the prior fiscal year.”.

16 **SEC. 6. ALLOCATION OF FUNDING.**

17                 (a) ORPHANS AND VULNERABLE CHILDREN.—Sec-  
18                 tion 403(b) of the United States Leadership Against HIV/  
19                 AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C.  
20                 7673(b)) is amended—

21                 (1) by striking “2013” and inserting “2018”;  
22                 and

23                 (2) by striking “amounts appropriated pursuant  
24                 to the authorization of appropriations under section  
25                 401” and inserting “amounts appropriated or other-

1 wise made available to carry out the provisions of  
2 section 104A of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2151b–2)”.

4 (b) FUNDING ALLOCATION.—Section 403(c) of the  
5 United States Leadership Against HIV/AIDS, Tuber-  
6 culosis, and Malaria Act of 2003 (22 U.S.C. 7673(e)) is  
7 amended—

8 (1) by striking “2013” and inserting “2018”;  
9 and

10 (2) by striking “amounts appropriated for bilat-  
11 eral global HIV/AIDS assistance pursuant to section  
12 401” and inserting “amounts appropriated or other-  
13 wise made available to carry out the provisions of  
14 section 104A of the Foreign Assistance Act of 1961  
15 (22 U.S.C. 2151b–2)”.

**Calendar No. 202**

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1<sup>ST</sup> SESSION  
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**A BILL**

To extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

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OCTOBER 2, 2013

Reported with amendments